

### **REMARKS**

This supplementary response is to supersede the Amendment After Final filed on July 14, 2006. The amendments made to the independent claims in the July 14, 2006 response were not entered.

A total of 113 claims remain in the present application. The following arguments are presented in response to the Office Action mailed on May 16, 2006, wherefore reconsideration of this application is requested. The arguments provided by the Applicant to address the 35 USC § 112 rejection in the previous response are substantially resubmitted with this response with clarification.

Referring now to the text of the Office Action:

The Examiner asserts that claims 1, 4-18, 20-41, 45-59, 61-82, 85-100 and 102-123 are rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The Examiner asserts that the independent claims 1, 41, 67 and 82 were amended in the response filed April 11, 2006 to recite that the PDU is forwarded through the broadband network to an egress gateway “irrespective of routing information contained within the data stream”. The Examiner cited that he cannot find support for this limitation in the specification. The Examiner states that the purpose of networking is to send information from a source to a destination. In order for the information to arrive at the correct destination, the network would have to determine the destination from the data stream and then forward the stream accordingly.

In raising the rejection under 35 USC § 112 the Examiner appears to be misinterpreting the term “irrespective of routing information contained within the data stream” as referring to a data stream created by the PDU. It should be evident from the claims and the antecedents to the term “the data stream” the only data stream referred to in the claim is “the legacy data stream”. The claims clearly states, for example in step a) claim 1, “...accumulating payload data comprising a predetermined number of successive bytes

of a data stream respecting the data service independently of a communications protocol of the data stream, the data stream being a legacy data stream originating in the legacy network...” where in step d) states “forwarding the PDU through the broadband packet network to an egress gateway irrespective of routing information contained within the data stream.” On reading the claim, and the remaining independent claims, the antecedents of the term “data stream” is evident and should not cause confusion to a person of ordinary skill in the art as only one to which data stream is being referred to. The term “data stream” is consistently referring to as meaning the legacy data stream throughout the claims. It is unclear to the Applicant how it can be interpreted otherwise.

The present invention enables a universal (i.e. protocol independent) extension of data services across a broadband packet network by transparently conveying data streams associated with such data services through the broadband packet network. (page 14 lines 8 to 12). A connection is setup between two gateways attached to the respective legacy networks providing an efficient protocol-independent extension of data services from legacy networks through a broadband packet network wherein the routing information of the legacy stream is not relevant to forwarding the PDU through the broadband packet network.

The present invention enables universal, protocol independent extension of legacy data services across a broadband packet network by transparently conveying data streams associated with such data services through the broadband packet network. Support for the claims stating that the PDU is forwarded through the broadband network to an egress gateway “irrespective of routing information contained within the data stream” is provided at various instances in the description. As stated on page 14, lines 14-27, of the detailed description “...in FIG. 1, a pair of legacy networks 4a,4b are connected to a broadband packet network 6 via respective gateways 8a,8b. The legacy networks 4a,4b may be, for example, respective domains of the PSTN, enterprise site networks, or physical connections to communications devices (e.g. a Plain Old Telephone Service [POTS] loop serving a telephone handset). Similarly, the legacy networks 4a,4b may operate in accordance with

*any legacy circuit-switched or packet-based communications protocol (e.g. E1, T1, SNA, video, FR, ISDN etc.). Each gateway 8 is coupled to its respective legacy network 4a,4b via one or more physical interfaces 10a,10b, conforming to the connection standard applicable to the legacy network 4”.*

The trunk interconnection between the legacy networks is replaced by the broadband network and as stated on page 15, lines 14-23, “... *for a trunked connection through the broadband packet network 6 between originating and destination points 12a,12b, it is assumed that known methods are utilized to set up a connection between the originating point 12a and a first (i.e. ingress) gateway 8a. It is also assumed that known methods are used to set up a connection between the destination point 12b and a second (i.e. egress) gateway 8b, and to establish signalling between the two gateways 8a,8b through the broadband packet network 6”.* The connection between the ingress gateway and egress gateway of the legacy networks are fixed and therefore routing information in the data stream is not relevant to routing of the PDU's as the source and destination are known gateways.

The data stream is not processed and no information is extracted. Therefore any forwarding of the PDU is irrespective of any information in the data stream be it routing or otherwise. As stated on page 16, line 21 to page 17, line 6, “*the present invention provides protocol independent adaptation services between legacy data streams and protocol data units (PDUs) of the broadband packet network. This is accomplished by treating a legacy data stream received at the ingress server 8a as a serial byte stream. As shown in FIG. 2, the serial byte stream 16 is split into successive packets 18, which may be of arbitrary size. The packets are inserted into respective containers 20. Each container 20 includes a header portion 22 that conveys data usable by the egress gateway 8b for processing received containers 20 to regenerate the serial byte stream 16. In order to transport the containers 20 across the broadband packet network 6, each container is inserted into a respective protocol data unit(PDU) 24 of the broadband packet network in a conventional*

*manner*". No manipulation of the contents of the data stream occurs, nor is any routing information within the data stream relevant to routing the PDU's between the ingress and egress gateways.

It should therefore be apparent from the identified description and the disclosure as a whole, that the forwarding of the PDU from the ingress gateway to the egress gateway occurs irrespective of the routing information contained within the data stream. Any routing information contained within the data stream that is not utilized when forwarding the PDU between gateways as stated in the claims which enables extension legacy network data services through a broadband packet network.

In light of the foregoing, it is believed that the pending claims and the written description comply with 35 USC § 112, first paragraph. Applicant would also like to submit that the search performed by the Examiner should be sufficient to cover the art and that further search should not be required. Favourable reconsideration and passage to issuance are solicited.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 19-5113.

Respectfully submitted,  
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